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10/598,627	06/13/2007	Matti Puputti	042933/315610	8155

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EXAMINER	
LE, RONG	

ART UNIT	PAPER NUMBER
2423	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,627	PUPUTTI, MATTI	
	Examiner	Art Unit	
	RONG LE	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) *1-15 and 32-34* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 16-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16, 17, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in further view of (US pub: 20040244030 A1) to (Boyce).

Regarding claim 16, Shimakawa teaches EPG information contains the next transmission clock time, which reads on (control message) and television receivers, receiving the EPG information, which reads on (receiving a plurality of control messages relating to broadcast content). (col. 6, ll. 3-6, 15-17) Shimakawa further teaches the inclusion of clock time at which the next transmission will take place within the transmission of EPG (or other types of data), which reads on (each of said control messages being associated with time information relating to a transmission time for control messages which are to be transmitted to a receiver in the future). (col. 6, ll. 15-17) Shimakawa further teaches activating the relevant circuitry within the receiver to

turn on when the scheduled information will transmit and remain in standby mode the rest of the time much like within a mobile data receiver, which reads on (selectively activating the receiver to receive the future control messages at the transmission time). (col.6, ll. 17-27)

Shimakawa fails to teach "comprising information for determining whether a subscriber has a right to view the broadcast content or information required to decrypt the broadcast content"

Boyce teaches the rating information related to the parental controls are sent within the program guide, and used to determine whether the designated user has permission to view the program, which reads on (determining whether a subscriber has a right to view the broadcast content). (par. 8, ll. 23-30)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by using information for determining whether a subscriber has a right to view the broadcast content or information required to decrypt the broadcast content as taught by Boyce in order to effectively prevent unauthorized viewers from viewing certain content.

Regarding claim 17, Shimakawa in view of Boyce teaches said control messages.

Shimakawa further teaches "extracting said transmission time information from said control messages"

Shimakawa teaches the clock time at which the EPG will be transmitted again (parameter NXT) being copied from the memory 58 into a memory of a processor 55. (col. 7, ll. 34-39, Fig 5)

Regarding claim 24, Shimakawa teaches EPG information contains the next transmission clock time, which reads on (control message) and television receivers, receiving the EPG information, which reads on (receiving a plurality of control messages relating to broadcast content). (col. 6, ll. 3-6, 15-17) Shimakawa further teaches the inclusion of clock time at which the next transmission will take place within the transmission of EPG (or other types of data), which reads on (each of said control messages being associated with time information relating to a transmission time for control messages which are to be transmitted to a receiver in the future). (col. 6, ll. 15-17) Shimakawa further teaches activating the relevant circuitry within the receiver to turn on when the scheduled information will transmit and remain in standby mode the rest of the time much like within a mobile data receiver, which reads on (selectively activating the receiver to receive the future control messages at the transmission time). (col.6, ll. 17-27)

Shimakawa fails to teach “comprising information for determining whether a subscriber has a right to view the broadcast content or information required to decrypt the broadcast content”

Boyce teaches the rating information related to the parental controls are sent within the program guide, and used to determine whether the designated user has

permission to view the program, which reads on (determining whether a subscriber has a right to view the broadcast content). (par. 8, ll. 23-30)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by using information for determining whether a subscriber has a right to view the broadcast content or information required to decrypt the broadcast content as taught by Boyce in order to effectively prevent unauthorized viewers from viewing certain content.

Regarding claim 25, Shimakawa in view of Boyce teaches the control messages.

Shimakawa further teaches "incorporating said time information into each of the control messages."

Shimakawa teaches EPG information contains the next transmission clock time, and television receivers, receiving the EPG information. (col. 6, ll. 3-6, 15-17)

Regarding claim 26, Shimakawa teaches EPG information contains the next transmission clock time, which reads on (control message) and the broadcaster indicating and including various types of data within the EPGs, which reads on (preparing a plurality of control messages) (col. 6, ll. 15-17, 28-30, 38-55)

Shimakawa teaches the inclusion of clock time at which the next transmission will take place within the transmission of EPG (or other types of data), which reads on (each

of the messages including information relating to a predetermined transmission time for future control messages) (col.6, ll. 15-19)

Shimakawa teaches the broadcaster indicating and including various types of data within the EPGs, and the a television receiver arranged to received the EPG data from the broadcaster, which reads on (directing transmission of the control messages to a receiver for receiving the control messages).(col. 6, ll. 15-17, 28-30, 38-55, 56-58)

Shimakawa teaches television receivers, receiving the transmission of EPG information(or other types of data) (col.6, ll. 3-6), which contain the next transmission time, and activating the relevant circuitry within the receiver(col.6, ll. 15-17) by the microprocessor 55, (col.6, ll. 62-63), which reads on (a selective activation module), when an EPG transmission is due to be received, to turn ON much like within a mobile data receiver, which reads on (the control messages being transmitted to the receiver for a selective activation module to selectively activate the receiver to receive the future control message at the predetermined time). (col.7, ll. 53-56)

Shimakawa fails to teach “comprising information for determining whether a subscriber has a right to view the broadcast content or information required to decrypt the broadcast content”

Boyce teaches the rating information related to the parental controls are sent within the program guide, and used to determine whether the designated user has permission to view the program, which reads on (determining whether a subscriber has a right to view the broadcast content). (par. 8, ll. 23-30)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by using information for determining whether a subscriber has a right to view the broadcast content or information required to decrypt the broadcast content as taught by Boyce in order to effectively prevent unauthorized viewers from viewing certain content.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (US pub: 20040244030 A1) to (Boyce), in further view of (EP 0 975 109 A1) to (Suzuki).

Regarding claim 18, Shimakawa in view of Boyce teaches selectively activating the receiver.

Shimakawa in view of Boyce fails to teach “setting a power-up time for the receiver based on said transmission time information”

Suzuki teaches the CPU controller 64 which used the time extractor 64C to recognize all the information with reference to time 13 (step S2) and stores it in memory 65. The controller then checks the CPU 64 clock for the transmission time and controls the power supply to FE61 and TD 62 accordingly. (par. 59-60, FIG 6)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Boyce by setting a power-up time for the receiver based on said transmission time information as taught by Suzuki in order to minimized standby power of a receiver device.

Regarding claims 19, Shimakawa in view of Boyce in view of Suzuki teaches setting a power-up time.

Suzuki further teaches "setting up a power up time to take account of delays in powering up the receiver."

Suzuki teaches the CPU64 confirms the present time is several seconds before the transmission time, and turns the power supply on to the FE 61, and TD 62, awaiting the data directly to the self IRD 60. (par. 60-61, FIG 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Boyce in view of Suzuki by setting up a power up time to take account of delays in powering up the receiver as taught by Suzuki in order to minimized standby power of a receiver device.

Regarding claim 20, Shimakawa in view of Boyce in view of Suzuki teaches selectively activating the receiver.

Suzuki further teaches "monitoring the power-up time and turning on the receiver when the power-up time is reached."

Suzuki teaches the controller then checks the CPU 64 clock for the transmission time and controls the power supply to FE61 and TD 62 accordingly. When CPU 64 confirms the present time is several seconds before the transmission time, and turns the power supply on to the FE 61, and TD 62, awaiting the data directly to the self IRD. In paragraph 61, lines 1-5, FIG 7, label S5, Suzuki inherently monitors the power-up time

in that the CPU must monitor the expiration of the predetermined delay in order to receive the future transmission. (par. 59-61, FIG 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Boyce in view of Suzuki by setting up a power up time to take account of delays in powering up the receiver as taught by Suzuki in order to minimized standby power of a receiver device.

Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (US pub: 20040244030 A1) to (Boyce), in further view of (US pat: 7383561 B2) to (Nelger).

Regarding claim 21, Shimakawa in view of Boyce teaches an apparatus.

Shimakawa in view of Boyce fails to teach “a mobile apparatus”.

Nelger teaches the receiver 24 comprises a mobile receiver which could be incorporated within the STB 20 within 26 of FIG 3. (col. 5 ll. 4-14, FIG 3)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Boyce, by including a mobile receiver as taught by Nelger, in order to allow the STB to have an extra network connection to receive ECMs for backup purposes.

Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (US pub: 20040244030 A1) to (Boyce), in further view of (US pat: 7167895 B1) to (Connelly).

Regarding claim 23, Shimakawa in view of Boyce teaches the control messages.

Shimakawa in view of Boyce fails to teach requesting the transmission time information independently.

Connelly teaches client receivers receiving metadata pre-broadcast schedule information and the actual metadata at a later time based on the schedule information given, (col. 5, ll. 47-53) registering the client devices with certain specific content providers to receiver certain signals, which reads on (requesting the transmission time information independently). (col. 6, ll. 4-10)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Boyce, by requesting the transmission time information independently as taught by Connelly, in order to ensure schedule information is always received properly ahead of time.

Claims 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in further view of (US pub: 20050120197 A1) to (Bons).

Regarding claim 27, Shimakawa teaches television receivers, receiving the transmission of EPG information(or other types of data) (col.6, ll. 3-6), which contain the next transmission time, and activating the relevant circuitry within the receiver(col.6, ll. 15-17) by the microprocessor 55, (col.6, ll. 62-63), when an EPG transmission is due to be received, to turn ON much like within a mobile data receiver, which reads on (receiving the transmission time information, and selectively turning on a receiver to

receive the messages at a time that substantially coincides with the future … transmission time.). (col.7, ll. 53-56)

Shimakawa fails to teach requesting for conditional access messages.

Bons teaches the transmission of EMM messages to terminal that request them. (par. 40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by requesting for conditional access messages as taught by Bons in order to better prioritize the messages.

Regarding claim 28, Shimakawa in view of Bons teaches the conditional access messages.

Bons further teaches “the conditional access messages comprise entitlement management messages”.

Bons teaches the transmission of EMM messages to terminal that request them. (par. 40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Bons by requesting for conditional access messages as taught by Bons in order to better prioritize the messages.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (US pub: 20050120197 A1) to (Bons), in further view of (US Pat Pub: 2002/0021809 A1) to (Salo).

Regarding claim 29, Shimakawa in view of Bons teaches the transmission time information.

Shimakawa in view of Bons fails to teach received in a messaging service format.

Salo teaches a cellular transceiver receiving the service announcements, (par. 30) the service announcement may be in the form of a special short message service (SMS) message which contains the timing and location information needed by the receiver. (par. 31)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Bons, to receive in a messaging service format as taught by Salo, in order to backup formats of sending the same information to the receiver.

Regarding claim 30, Shimakawa in view of Bons teaches an apparatus.

Shimakawa in view of Bons fails to teach the messaging service format comprises SMS or MMS.

Salo teaches a cellular transceiver receiving the service announcements, (par. 30) the service announcement may be in the form of a special short message service (SMS) message which contains the timing and location information needed by the receiver. (par. 31)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Bons, to receive in a messaging service format as taught by Salo, in order to backup formats of sending the same information to the receiver.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (US pub: 20050120197 A1) to (Bons), in further view of (US pat: 7383561 B2) to (Nelger).

Regarding claim 31, Shimakawa teaches television receivers, receiving the transmission of EPG information(or other types of data) (col.6, ll. 3-6), which contain the next transmission time, and activating the relevant circuitry within the receiver(col.6, ll. 15-17) by the microprocessor 55, (col.6, ll. 62-63), when an EPG transmission is due to be received, to turn ON much like within a mobile data receiver, which reads on (configured to receive the transmission time information, comprising selectively turning on a receiver to receive the messages at a time that substantially coincides with the future … transmission time.). (col.7, ll. 53-56)

Shimakawa fails to teach requesting for conditional access messages.

Bons teaches the transmission of EMM messages to terminal that request them. (par. 40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by requesting for

conditional access messages as taught by Bons in order to better prioritize the messages.

Shimakawa in view of Bons fails to teach “a mobile transceiver“.

Nelger teaches the receiver 24 comprises a mobile receiver which reads on (the mobile transceiver) which could be incorporated within the STB 20 within 26 of FIG 3 to provide the ECM message stream. (Fig 3, Col. 5, ll. 4-14) Nelger further teaches a method for use in a conditional access system comprising receiving a request to transmit a plurality of control messages. (col. 2 ll. 23-32, col. 5, ll. 54-59)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Bons by having a mobile transceiver as taught by Nelger in order to allow the STB to have an extra network connection to receive ECMs for backup purposes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONG LE whose telephone number is (571)270-7637. The examiner can normally be reached on M-F (8:30 - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Andrew Y. Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RONG LE
Examiner
Art Unit 2423

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423